ARTICLES of a TREATY,

Concluded at HOPEWELL, on the KEOWEE, between BENJAMIN HAWKINS, ANDREW PICKENS, JOSEPH MARTIN and LACKLAN M'INTOSH, COMMISSIONERS PLENIPOTENTIARY of the UNITED STATES of AMERICA, of the one Part, and the HEAD-MEN and WARRIORS of all the CHEROKEES of the other.

Cherokees

28 Nov. 1785

THE Commiſſioners Plenipotentiary of the United States in Congreſs aſſembled, give peace to all the CHEROKEES, and receive them into the favor and protection of the United States of America, on the following conditions.

Art. 1. The Head-Men and Warriors of all the Cherokees, ſhall reſtore all the priſoners, citizens of the United States, or ſubjects of their allies, to their intire liberty: They ſhall alſo reſtore all the negroes, and all other property taken during the late war from the citizens, to ſuch perſon, and at ſuch time and place, as the commiſſioners ſhall appoint.

Art. 2. The Commiſſioners of the United States in Congreſs aſſembled, ſhall reſtore all the priſoners taken from the Indians, during the late war, to the Head-Men and Warriors of the Cherokees, as early as is practicable.

Art. 3. The ſaid Indians for themſelves, and their reſpective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other ſovereign whoſoever.

Art. 4. The boundary allotted to the Cherokees for their hunting grounds, between the ſaid Indians and the citizens of the United States, within the limits of the United States of America, is, and ſhall be the following, viz. beginning at the mouth of Duck river on the Teneſſee; thence running north-eaſt, to the ridge dividing the waters running into Cumberland from thoſe running into the Teneſſee; thence eaſtwardly along the ſaid ridge to a north-eaſt line to be run, which ſhall ſtrike the river Cumberland forty miles above Naſhville; thence along the ſaid line to the river; thence up the ſaid river to the ford where the Kentucky road croſſes the river, thence to Campbells line, near Cumberland gap; thence to the mouth of Clauds creek on Holſtein; thence to the Chimney Top mountain; thence to Camp creek, near the mouth of Big Limeſtone, on Nolichuckey; thence a ſoutherly courſe ſix miles to a mountain; thence ſouth to the North-Carolina line; thence to the South-Carolina Indian boundary, and along the ſame ſouth-weſt over the top of the Oconee mountain till it ſhall ſtrike Tugalo river; thence a direct line to the top of the Currohee mountain; thence to the head of the South fork of Oconee river.

Art. 5. If any citizen of the United States, or other perſon not being an Indian, ſhall attempt to ſettle on any of the lands weſtward or ſouthward of the ſaid boundary which are hereby allotted to the Indians for their hunting grounds, or having already ſettled and will not remove from the ſame within ſix months after the ratification of this treaty, ſuch perſon ſhall forfeit the protection of the United States, and the Indians may puniſh him or not as they pleaſe--provided nevertheleſs, that this article ſhall not extend to the people ſettled between the fork of French Broad, and Holſtein rivers, whoſe particular ſituation ſhall be tranſmitted to the United States in Congreſs aſſembled for their deciſion thereon, which the Indians agree to abide by.

Art. 6. If any Indian or Indians, or perſon reſiding among them, or who ſhall take refuge in their nation, ſhall commit a robbery, or murder or other capital crime on any citizen of the United States, or perſon under their protection, the nation, or the tribe to which ſuch offender or offenders may belong, ſhall be bound to deliver him or them up to be puniſhed according to the ordinances of the United States; provided that the puniſhment ſhall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Art. 7. If any citizen of the United States, or perſon under their protection, ſhall commit a robbery or murder or other capital crime, on any Indian, ſuch offender or offenders ſhall be puniſhed in the ſame manner as if the murder or robbery or other capital crime, had been committed on a citizen of the United States; and the puniſhment ſhall be in preſence of ſome of the Cherokees, if any ſhall attend at the time and place, and that they may have an opportunity ſo to do, due notice of the time of ſuch intended puniſhment ſhall be ſent to ſome one of the tribes.

Art. 8. It is underſtood that the puniſhment of the innocent under the idea of retaliation, is unjuſt, and ſhall not be practiſed on either ſide, except where there is a manifeſt violation of this treaty: and then it ſhall be preceded, firſt by a demand of juſtice, and if refuſed, then by a declaration of hoſtilities.

Art. 9. For the benefit and comfort of the Indians, and for the prevention of injuries or oppreſſions on the part of the citizens or Indians; the United States in Congreſs aſſembled ſhall have the ſole and excluſive right of regulating the trade with the Indians, and managing all their affairs in ſuch manner as they think proper.

Art. 10. Until the pleaſure of Congreſs be known, reſpecting the ninth article, all traders, citizens of the United States, ſhall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they ſhall be protected in their perſons and property, and kindly treated.

Art. 11. The ſaid Indians ſhall give notice to the citizens of the United States, of any deſigns which they may know or ſuſpect to be formed in any neighbouring tribe, or by any perſon whoſoever, againſt the peace, trade or intereſt of the United States.

Art. 12. That the Indians may have full confidence in the juſtice of the United States reſpecting their intereſts, they ſhall have the right to ſend a deputy of their choice, whenever they think fit, to Congreſs.

Art. 13. The hatchet ſhall be forever buried, and the peace given by the United States, and friendſhip re-eſtabliſhed between the ſaid ſtates on the one part, and all the Cherokees on the other, ſhall be univerſal; and the contracting parties ſhall uſe their utmoſt endeavours to maintain the peace given as aforeſaid, and friendſhip re-eſtabliſhed.

IN WITNESS of all, and every thing herein determined, between the United States of America, and all the Cherokees--We their underwriten commiſſioners, by virtue of our full powers have ſigned this definitive treaty, and have cauſed our ſeals to be hereunto affixed. — DONE at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thouſand ſeven hundred and eighty-five.

(Signed) BENJAMIN HAWKINS, (L.S.)
ANDW. PICKENS, (L.S.)
JOS. MARTIN, (L.S.)
LACHN. M'INTOSH (L.S.)

KOATOHEE, or Corn Taſſell of Toquo, his mark ( )

SCHOLAUETTA, or Hanging Man of Chota, his mark ( )

TUSKEGATAHU, or Long Fellow of Chiſtohoe, his mark ( )

OOSKWHA, or Abraham of Chilkowa, his mark ( )

KOLAKUSTA, or Prince of North, his mark ( )

NEWOTA, or the Gritz of Chicamaga, his mark ( )

KONATOTA, or the Riſing Fawn of Highwaſſay, his mark ( )

TUCKASEE, or Young Tarrapin of Allajoy, his mark ( )

TOOSTAKA, or the waker of Ooſtanawa, his mark ( )

UNTOOLA, or Gun rod of Seteco, his mark ( )

UNSUOKANAIL, Buffalo White Calf New Cuſſee his mark ( )

KOSTAYEAK, or Sharp Fellow Wataga, his mark ( )

CHONOSTA, of Cowe, his mark ( )

CHESCOONWHA, Bird in Cloſe of Tomotlug, his mark ( )

TUCKASEE, or Tarrapin of Hightowa, his mark ( )

CHESETOA, or the Rabit of Tlacoa, his mark ( )

CHESECOTETONA, or Yellow Bird of the Pine Log, his mark ( )

SKETALOSKA, Second Man of Tillico, his mark ( )

CHOKASATAHE, Chickaſaw Killer Taſonta, his mark ( )

ONANOOTA, of Kooſoatee, his mark ( )

OOKOSETA, or Sower Muſh of Kooloque, his mark ( )

UMATOOETHA, the Water Hunter, Choikamawgee his mark ( )

WYUKA, of Lookout Mountain, his mark ( )

TULCO, or Tom of Chatuga, his mark ( )

[Signers carried forward.]

WILL;

[Signers brought forward]

WILL, of Akoha, his × mark ( )

NECATEE, of Sawta, his × mark ( )

AMOKONTAKONA, Kutcloa, his × mark ( )

KOWETATAHEE, in Frog-Town, his × mark ( )

KEUKUCH, Talkoa, his × mark ( )

TULATISKA, of Chaway, his × mark ( )

WOOALUKA, the way layer, Chota, his × mark ( )

TATLIUSTA, or Porpus of Tilassi, his × mark ( )

JOHN, of Little Tallico, his × mark ( )

SKELELAK, his × mark ( )

AKONOLUCHTA, the Cabbin, his × mark ( )

CHEANOKA, of Kawetakac, his × mark ( )

YELLOW BIRD, his × mark ( )

(Witneſſes) WM. BLOUNT,
SAM. TAYLOR, major,
JOHN OWEN,
JESS WALTON,
JOHN COWAN, capt. commandant,
THOS. GEGG,
W. HAZZARD.

JAMES MADISON, } Sworn Interpreters.
ARTHUR COODEY, }